

Workbook

NATURAL HERITAGE ACT

MESSAGE FROM THE M.L.A. REVIEW COMMITTEE

We welcome your advice on protecting Alberta's natural heritage.

The proposed *Natural Heritage Act* offers a single, clear piece of legislation that will:

- streamline, update and improve Alberta's protected area legislation;
- establish a revised system of classes of protected areas; and
- clarify the purpose and management requirements of each class.

Previous consultation showed Albertans generally supported this direction, and the *Natural Heritage Act* passed second reading in the Legislature. However, some issues remain. Premier Ralph Klein appointed our team to seek your input into these concerns.

This workbook and the accompanying Proposed Policy Foundation, Revised Summary Report are your opportunity to review what the *Natural Heritage Act* has to say about the key issues. It is your chance to offer your suggestions.

For us, the M.L.As appointed to seek your input, this workbook is our opportunity to listen. We want to reflect your views in our recommendations to the Honourable Gary Mar, Minister of Environment. Together, we can preserve our province's natural heritage for generations to come.

M.L.A. Review Committee:

Janis Tarchuk, M.L.A. Banff-Cochrane, Chair

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WHAT IS THE *NATURAL HERITAGE ACT*?

The *Natural Heritage Act* will replace three existing pieces of legislation, removing duplication. Public consultation in 1998 that led up to the *Natural Heritage Act* showed Albertans generally agreed with the need to do this.

The *Natural Heritage Act* also introduces a revised classification system for Alberta's parks and protected areas. Because the current system is administered under three different Acts, there is considerable overlap in the classification system. For example, the Natural Area class includes sites of major ecological significance and those with extensive recreational activities. Therefore, the range of areas contained in the Natural Area class replicates the entire classification system.

Present Classifications




Ecological Reserve
Wilderness Area
Willmore Wilderness Park
Wildland Park
Provincial Park
Natural Area
Recreation Area

Drawbacks

- Overlap and duplication of legislation: parks and protected areas currently are managed under three separate pieces of legislation.
- Lack of clarity regarding the purpose of each class: some Natural Areas, Provincial Parks and Recreation Areas are indistinguishable in terms of use and management.
- Lack of legislation for some existing protected areas: there are no regulations governing activities in Natural Areas.

Proposed Classifications



Ecological Reserve
Wilderness Reserve
Wildland Park
Provincial Park
Heritage Rangeland
Recreation Area

Advantages

- Eliminates overlap and duplication: existing legislation would be consolidated into one piece of legislation.
- Clear and defined purpose: the Act will establish a coherent classification system that provides a range of classes offering varying degrees of protection. Each area must meet the purpose and criteria for its class.
- Areas protected by legislation: activities permitted in each class are identified in legislation and defined by regulation.

Page 7 of the Proposed Policy Foundation, Revised Summary Report enclosed with this workbook outlines the new classification system. Pages 8-16 provide a description and examples of areas for each class.

The *Natural Heritage Act* will provide certainty for managing Alberta's parks and protected areas while providing some flexibility to respond to emerging trends and conditions. Some provisions that achieve that balance are the following:

- For the first time, management plans are mandatory for each area.
- Alberta Environment must seek public involvement in the management plans.
- Changes that require public notice are clearly identified.
- Activities that are prohibited, restricted or managed through regulation are clearly identified.

To introduce the new classification system, Alberta Environment will review all existing parks and protected areas. The review will be based on a scientific evaluation of each area's environmental importance, plus an assessment of its existing uses and condition. Each area will be placed in the class that will provide the highest level of protection based on this evaluation.

The *Natural Heritage Act* ensures that protection remains the first consideration in five of the six new classes—Ecological Reserves, Wilderness Reserves, Wildland Parks, Provincial Parks and Heritage Rangelands. Existing Ecological Reserves and Wilderness Areas, most Wildland Parks and most Provincial Parks are free of any existing resource commitments.

Commercial logging will not be allowed in any area classed as an Ecological Reserve, Wilderness Reserve, Wildland Park, Provincial Park or Heritage Rangeland.

All timber dispositions and timber quotas under the *Forests Act* must be withdrawn before new areas can be designated in these classes.

Exploration and development of surface minerals, such as sand, gravel, peat and similar materials will continue to be prohibited in all areas. Any existing commitments will be reclaimed.

The *Mines and Minerals Act* governs oil, gas and mineral exploration and development in the province. This legislation deals only with the sale and management of sub-surface mineral rights; it does not control surface access to the resource. The *Natural Heritage Act* will regulate industry access to the land surface in parks and protected areas. A "no surface access" restriction means the resource can be developed only from outside the protected area boundary. For example, oil and gas companies can use horizontal drilling techniques to access the resource from outside the protected area.

In any case, a company may not develop its resource unless it receives regulatory approval and the company can meet stringent environmental standards. The Alberta Energy and Utilities Board and Alberta Environment will continue to monitor all industrial developments to ensure compliance and minimize the environmental impact.

It is important to note that ***permits will not be used to authorize resource development***. Permits provide temporary authorization for specific activities such as camping, scientific research, guiding and special events, primarily in provincial parks.

The following table shows what activities will be permitted in each class of park or protected area under the *Natural Heritage Act*.

Table of Permitted Activities by Class

This table outlines activities that will be permitted in the various classes of parks and protected areas. Please note that the table provides general direction only and must be read in conjunction with detailed management guidelines described on pages 18-39 in the accompanying Proposed Policy Foundation, Revised Summary Report.

Permitted Use

Uses that are considered to be compatible with the intent of the protected area designation.

Conditional Use

Uses that may be compatible with the intent of the protected area designation. Special conditions and controls will be applied where necessary. The management plan will determine if an activity occurs within a given area. If an activity is permitted in a certain class, but was prohibited in a specific site, that prohibition will continue.

Not Permitted Use

Uses that are not compatible with the intent of the protected area designation.

Qualifiers:

M Uses permitted for management purposes only.

E Existing dispositions (i.e., issued before designation) will be honoured.

NA Opportunity generally is not available because of site limitations (e.g., size of the site).

D Through the management plan, use restricted to designated lakes/streams, trails or areas identified at time of establishment.

Natural Heritage Act - Activities by Class

Activity	Parks and Protected Areas					Recreation Area Categories				
	Ecological Reserve	Wilderness Reserve	Wildland Park	Provincial Park	Heritage Rangeland	Natural Recreation	Access Sites	Regional Recreation	Wasteland Recreation	Special Recreation
Recreational Uses & Facilities										
Foot Access										
Recreational Hunting	M			M			NA		NA	
Fishing										
Horse Use										
Cycling, Mountain Biking					D					
Backcountry Camping					D		NA	NA	NA	
Auto Access Campgrounds										
Golf Courses				E			NA		NA	
Downhill Ski Areas				E			NA		NA	
Power Boating									NA	
Outdoor Recreation Facilities										
Off-Highway Vehicles			D						NA	
Snowmobiles			D						NA	
Motor Vehicle Access			M		M					
Helicopter Landing (for skiing or hiking)							NA		NA	
Float Plane Landing			D	D			NA		NA	
Non-Recreational Uses & Facilities										
Trapping			E				NA		NA	
Domestic Livestock Grazing				M			NA		NA	
Commercial Logging										
Commercial Telecommunications Towers			E	E	E		NA		NA	
Oil & Gas Development			E	E	E		NA		NA	
Surface Minerals							NA		NA	
Mining							NA	NA	NA	
Mainline Pipelines			E	E	E		NA		NA	
Resource Roads			E		E					
Cultivation										E

ERRATA: ■ Off-highway vehicles and snowmobiles in Heritage Rangelands will be restricted to existing trails if use is approved in the management plan.

■ Resource roads will not be permitted in Provincial Parks except to access existing resource commitments.

FOCUS OF THIS WORKBOOK

When Alberta Environment consulted on the policy foundation for the *Natural Heritage Act* in 1998, Albertans generally supported the idea of streamlining and consolidating existing legislation into a single Act. The consultation also showed broad support for a new classification system.

When the government introduced the *Natural Heritage Act* as Bill 15 this past spring, Albertans continued to express concern over some key issues. Some dealt with the potential classification of specific areas, although the new classification system received general support. Some people continue to be unsure about what kinds of activities will be permitted and where.

This workbook examines those key issues:

- Oil and Gas Development in Parks and Protected Areas,
- Mining in Parks and Protected Areas,
- Reclassification of Natural Areas,
- Recreational Hunting, and
- Off-Highway Vehicles and Snowmobiles in Parks and Protected Areas.

It should be noted that one other issue received considerable public attention: the draft *Natural Heritage Act* originally proposed to classify Alberta's three existing Wilderness Areas—the White Goat, Siffleur and Ghost River—as Wildland Parks. This potential classification raised a concern that protection for the Wilderness Areas would be reduced.

On August 16, 1999, Environment Minister Gary Mar announced a proposal to retain the Wilderness Areas in a separate protected areas class. Under this proposal, the Wilderness Areas will be classified as Wilderness Reserves and will retain their current level of protection in the new legislation.

The workbook will help you:

- review and examine how the *Natural Heritage Act* addresses these issues,
- consider the regulatory impact where appropriate,
- identify how you feel about the issue, and
- submit your suggestions.

You may want to refer to the Proposed Policy Foundation, Revised Summary Report for more information as you answer the questions in this workbook. The policy document provides an overview of the *Natural Heritage Act*, its history, its relationship to the Special Places initiative, and highlights of the Act itself. The policy document explains the proposed classification system for Alberta's parks and protected areas.

The M.L.A. review committee will consider your input along with the results of focus group discussions and a stakeholder group workshop. Stakeholders will include environmental organizations, recreational associations and groups representing commercial interests.

Based on this public review, the M.L.A. review committee will develop and submit its recommendations to the Minister of Environment this fall.

Oil & Gas Development in Parks & Protected Areas

Some protected areas were established over existing oil and gas agreements. As we create new protected areas through the Special Places program, we encounter lands with existing commitments. These commitments are legal obligations of the Alberta government.

The *Natural Heritage Act* will regulate industry access to the land surface in parks and protected areas in the same manner as the existing protected areas legislation. Existing oil and gas agreements will be honoured subject to any access restrictions on these agreements. All new resource agreements will have a "no surface access" restriction. This restriction means the resource can be recovered only from outside the protected area boundary. For example, oil and gas companies can use horizontal drilling techniques to access the resource from wellsites outside the protected area.

The Minister of Resource Development has authority to accept the voluntary surrender of an industry agreement, or to cancel or withhold an agreement and offer compensation if developing the resource would not be in the public interest.

To develop its resource, a company must apply for and receive regulatory approval from the Alberta Energy and Utilities Board, and Alberta Environment. These two agencies also set operating conditions and monitor the development to ensure compliance with strict environmental standards.

The table on page 4 of this workbook, and the management guidelines on page 30 and 31 of the Proposed Policy Foundation, Revised Summary Report, have more information on oil and gas resources in parks and protected areas.

Regulatory Implications

None.

QUESTION

1.1

The *Natural Heritage Act* proposes to continue meeting the province's legal obligations and honouring existing oil and gas commitments. A "no surface access" restriction on new resource commitments prevents development of any new commitments inside a protected area boundary. To access the resource, a company first must receive regulatory approval from the Alberta Energy and Utilities Board, and Alberta Environment, and operate to stringent environmental standards.

What is your response to this proposal?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

Mining in Parks & Protected Areas

Exploration and development of surface minerals, such as sand, gravel, peat and similar materials will continue to be prohibited in all areas. Any existing commitments will be reclaimed.

Under current practice, the Department of Resource Development does not issue new sub-surface agreements for mining in established parks or protected areas. There are no mining commitments in Ecological Reserves, Wilderness Reserves, or in most existing Wildland Parks, Provincial Parks, Natural Areas, or Recreation Areas. However, a few existing Wildland Parks, Provincial Parks and Natural Areas do contain existing mining commitments, as will some new areas in the Wildland Park and Heritage Rangeland classes.

A company wanting to develop an existing resource commitment must apply to the Alberta Energy and Utilities Board for regulatory approval. If the board approves the development, the area will be withdrawn from protection, and another area of the same class, size and quality will be added to ensure the total land area of the class is maintained. Pages 32 and 33 of the Proposed Policy Foundation, Revised Summary Report have more information on mining.

Regulatory Implications

None.

The *Natural Heritage Act* proposes to continue meeting the province's legal obligations and honouring existing mining commitments. New sub-surface agreements for mining in parks and protected areas will not be issued. Where commitments exist, the *Natural Heritage Act* will require that any approved mine site be deleted from a Provincial Park, Wildland Park, or Heritage Rangeland and replaced with lands of equivalent quality, size and class.

What is your response to this proposal?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

QUESTION

2.2

If you do not agree with the current practice of honouring existing mining commitments, do you agree with the idea of buying out or otherwise compensating companies for their existing rights?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

Reclassification of Natural Areas

The Natural Area class is very broad. Consequently, Natural Areas range from those with very high ecological significance to some that are heavily used for motorized recreation. No legislation or regulations specifically govern activities in Natural Areas.

Because the Natural Area class will not continue under the *Natural Heritage Act*, Alberta Environment will scientifically review each Natural Area and assign it to the classification that provides the highest level of protection possible based on the area's ecological significance, current use and condition. Many Natural Areas will be classified as—or added to—Ecological Reserves, Wildland Parks, Provincial Parks, or Heritage Rangelands to provide greater protection.

If a Natural Area does not meet the strict criteria of these protected classifications, it will be classified as a Recreation Area. Several categories within the Recreation Area class will be defined through regulations and will clarify the type and level of development permitted for each area. The range includes a "natural" category in which commercial tourism development and most outdoor recreation facilities will be prohibited. Most of the Natural Areas that are reclassified as Recreation Areas will be placed in the Natural Recreation Area category. Pages 14-16 in the Proposed Policy Foundation, Revised Summary Report have more information on Recreation Areas. Pages 18-39 give more information on where specific activities may occur.

Regulatory Implications

- Once reclassified to the appropriate category, all current Natural Areas will have legislated protection, and class-specific regulations will apply to provide additional protection and manage activities.
- Regulations will define different categories of Recreation Area to provide for a range of recreation opportunities.

Under the *Natural Heritage Act*, existing and candidate Natural Areas would be placed into the class that provides the highest level of protection based on ecological significance, and existing and potential use.

What is your response to this proposal?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

Recreational Hunting

Recreational hunting will continue to be prohibited in Ecological Reserves, Wilderness Reserves and Provincial Parks. Recreational hunting will be allowed to continue in Wildland Parks, large Recreation Areas and Heritage Rangelands, where it had been permitted before the area was established. Continuation would be subject to approval and conditions in each area's management plan with public input.

Where recreational hunting is permitted, management plans with public input will determine if and under what conditions hunting will occur in a specific area. Planning must consider the viability of game species, potential conflicts with other recreational activities, public safety and other factors.

It is possible a management hunt may be carried out to reduce the number of animals of a specific species. In an Ecological Reserve or Provincial Park, such a hunt would be authorized only to restore the population balance. The need for a management hunt must be backed by scientific research and approved by the Minister through the regulations. A management hunt is completed by a special draw for hunting licences for a specific species in the area in which the hunt has been approved.

Regulatory Implications

- Any management hunts to control numbers of animals of a specific species in an Ecological Reserve or Provincial Park would have to be established in regulation, along with an end date. Normally, this would be a "one-time" hunt to restore the population balance of a specific species.

Recreational Hunting will continue to be

Permitted in

- Wildland Parks
- large Recreation Areas
- Heritage Rangelands (*where previously permitted*)

Prohibited in

- Ecological Reserves
- Wilderness Reserves (*after they are redesignated as Wildland Parks*)
- Provincial Parks

ERRATUM:

Wilderness Reserves will NOT be redesignated as Wildland Parks. Recreational hunting will be prohibited in Wilderness Reserves.

QUESTION

4.1

The *Natural Heritage Act* proposes to continue to prohibit recreational hunting in Ecological Reserves, Wilderness Reserves and Provincial Parks, but allow hunting in Wildland Parks, Heritage Rangelands and large Recreation Areas subject to approval in each area's management plan.

What is your response to this proposal?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

What is your response to this proposal?

☐ Disagree for the following reasons:

Albertans raised a particular concern over the continued use of off-highway vehicles and snowmobiles in some parks and protected areas. The table on pages 24 and 25 of the Proposed Policy Foundation, Revised Summary Report have more information on the management guidelines for off-highway vehicles and snowmobiles.

The Natural Heritage Act proposes to continue current practice:

- Off-highway vehicles and snowmobiles will continue to be prohibited in any area where they are not permitted now. This includes existing Ecological Reserves and Wilderness Areas, Willmore Wilderness Park and Provincial Parks.
- Off-highway vehicles and snowmobiles will be permitted, but use will be restricted to existing trails in Wildland Parks and Heritage Rangelands, and existing trails or designated areas in large Recreation Areas. The use would have to be approved in each area's management plan with public input.

Regulatory Implications

- Regulations will specify which Wildland Parks, Heritage Rangelands and Recreation Areas will provide access for recreational off-highway vehicles and snowmobiles, and under what conditions these vehicles may be used.

What is your response to this proposal?

☐ Disagree for the following reasons:

QUESTION

5.2

The *Natural Heritage Act* proposes to restrict recreational snowmobile use to Wildland Parks, Heritage Rangelands and Recreation Areas. Use will be restricted to existing trails, if approved in each area's management plan with public input.

What is your response to this proposal?

☐ Agree

☐ Agree with the following conditions:

☐ Disagree for the following reasons:

OVERALL THOUGHTS ON THE *NATURAL HERITAGE ACT*



Based on the explanations in this workbook and the proposed policy foundation, do you feel you have a clear understanding of the purpose of this legislation?

☐ Yes

☐ No



In your opinion, is the proposed legislation valuable to Albertans?

☐ Yes

☐ No

☐ Yes, if changes are made:

☐ No Opinion

RESPONDENT PROFILE

Please tell us about yourself

Some personal information will help us to better understand the results we receive. Answering these questions is strictly voluntary, but your co-operation is appreciated.

The personal information is being collected to compile public input regarding the proposed *Natural Heritage Act* and will not be used or disclosed for any other purpose. It is protected by the privacy provision of the *Freedom of Information and Protection of Privacy Act*.

Your gender?

- ☐ Male
☐ Female

Your age range?

- ☐ under 20
☐ 20 - 40
☐ 41 - 65
☐ over 65

Where do you live?

- ☐ City
☐ Town/Village
☐ Farm
☐ Acreage
☐ Other

Which of the following best describes your interests in the *Natural Heritage Act*?

- ☐ Agriculture
☐ Environment/Health
☐ First Nation
☐ Metis
☐ Mining
☐ Oil and Gas
☐ Recreation
☐ Tourism

☐ Other (*please describe*)

HOW TO SUBMIT YOUR COMPLETED WORKBOOK

Workbooks will be accepted until November 1, 1999.

Please mail your completed workbook in the enclosed, pre-paid envelope.

If the envelope has been lost,
the address is:

Equus Consulting Group
1250, 10055 - 106 Street
Edmonton, Alberta
T5J 2Y2

☐ I would like to stay informed about the *Natural Heritage Act* review.

Name: _____

Address: _____

Postal Code: _____

Thank you!

The opinions and suggestions you shared through this workbook will help the M.L.A. review committee to develop appropriate recommendations on the *Natural Heritage Act*. The Minister of Environment will consider these recommendations before the Act is debated again in the Legislature. By taking the time to assess the issues and complete this workbook, you are making a valuable contribution to protecting our natural heritage into the future.

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